

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 EB-08 L-03 MMO-01 OES-06 IGA-02 /031 W  
-----102258Z 130958 /62

R 102115Z FEB 77  
FM AMEMBASSY SAN SALVADOR  
TO SECSTATE WASHDC 3359

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STADIS////////////////////////////////////

E.O. 11652: N/A  
TAGS: AODE, EAGR, ES  
SUBJECT: APHIS MEDITERRANEAN FRUIT FLY PREVENTION PROGRAM

REF: STATE 025693

1. EMBASSY PREPARED GO AHEAD ON NEGOTIATION MEDFLY AGREEMENT  
WITH GOES UNDER ASSUMPTION DEPARTMENT OF STATE ALSO PREFERS  
WE SEEK IMMUNITIES CONTAINED IN APHIS 1973 AGREEMENT RATHER THAN  
THOSE CONTAINED TECHNICAL ASSISTANCE (AID) AGREEMENT.

2. WE WOULD LIKE TO EMPHASIZE, HOWEVER, SEVERAL FACTORS  
RELATING TO THIS ISSUE WHICH WE CONSIDERED IMPORTANT. A) AS  
A MATTER OF PRINCIPLE AND PRECEDENT, WE BELIEVE WE SHOULD  
SEEK MOST FAVORABLE PRIVILEGES AND IMMUNITIES FOR U.S. OFFICIAL  
PERSONNEL ABROAD, SO LONG AS WE DO NOT VIOLATE CONSIDERATIONS OF  
RECIPROCITY. B) WE WOULD CONSIDER THE PERSONNEL OF THE NEW  
APHIS MISSION OF "COMPARABLE RANK" TO "MEMBERS OF THE DIPLOMATIC  
STAFF" OF THE EMBASSY; THUS UNDER AN AID TYPE AGREEMENT ENTITLED  
TO FULL PRIVILEGES AND IMMUNITIES. C) AT PRESENT, EVEN IF THEY  
WERE CONSIDERED UNDER SUCH AN AGREEMENT AT THE LEVEL OF "MEMBERS  
OF THE ADMININSTRATIVE AND TECHNICAL STAFF OF THE MISSION",  
GOES, PERHAPS ON A BASIS OF RECIPROCITY WITH THE U.S., WOULD  
GRANT THEM SAME PRIVILEGES AND IMMUNITIES. HOWEVER,  
QUESTION OF THEIR IMMUNITY FROM CIVIL AND ADMINISTRATIVE

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JURISDICTION FOR NON-OFFICIAL ACTS, WHICH DISALLOWED  
BY VIENNA CONVENTION FOR SUCH PERSONNEL, NOT TESTED HERE TO  
OUR KNOWLEDGE. WE UNDERSTAND UNDER U.S. LAW ALSO NO DISTINCTION  
MADE AT PRESENT BUT THAT SOME PROPOSED CHANGES MAY BE IN THE  
WORKS. D) IF SALVADORAN PRACTICE WERE TO CHANGE, INDEPENDENTLY  
OR RECIPROCALLY AS RESULT U.S. LAW AND PRACTICE, THE QUESTION  
OF LEVEL OF APHIS AMERICAN PERSONNEL COULD BECOME AN ISSUE.

IF GOES WERE TO INSIST THAT THEY BE CONSIDERED TECHNICAL LEVEL, WHICH WE DOUBT, OR WE INDEED SENT TECHNICAL LEVEL PERSONNEL, THE WORKING OF THE 1973 APHIS AGREEMENT WOULD BE MORE ADVANTAGEOUS, SINCE MULTIPLE ENTRY DURING TOUR RATHER THAN FIRST INSTALLATION IMPORTS WOULD BE FREE OF CUSTOMS DUTY.

E) APHIS MAY PREFER HAVE SAME PRIVILEGES AND IMMUNITIES FOR NEW PROJECT AS FOR FOOT-AND-MOUTH DISEASE PROJECT, SINCE THERE HAVE BEEN NO PROBLEMS UP TO NOW, BUT PROBABLY DO NOT REALIZE THAT IF FULL IMMUNITIES ACQUIRED FOR NEW PROJECT, STAGE WOULD BE SET FOR RENEGOTIATION OF OTHER CURRENT PROJECTS INCLUDING THEIRS, THUS REDUCING LIKELIHOOD FUTURE PROBLEMS.F) ALTHOUGH NOT ABSOLUTELY SURE, WE FEEL CONFIDENT WE CAN NEGOTIATE AN AGREEMENT WITH FULL PRIVILEGES AND IMMUNITIES, UNLESS OUR RELATIONS WITH EL SALVADOR SHOULD DETERIORATE QUICKLY AND DRASTICALLY.

3. SINCE DEPARTMENT OF STATE SEES THESE ISSUES OF PRIVILEGES AND IMMUNITIES GLOBALLY, AND WOULD BE AWARE OF WHATEVER DEVELOPMENTS MAY NOW BE IN PROCESS, WE WOULD APPRECIATE IN ANY EVENT AN EXPRESSION OF THE DEPARTMENT'S POLICY ON PRIVILEGES AND IMMUNITIES OF USG AMERICAN PERSONNEL ABROAD. WE NOW HAVE A HODGEPODGE AND WOULD INDEED LIKE TO MOVE TOWARD AS UNIFORM AND FAVORABLE AN APPROACH AS POSSIBLE.  
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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** PEST CONTROL  
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**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Office:** ACTION ARA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** STADIS  
**Original Previous Classification:** n/a  
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**Page Count:** 2  
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**Previous Handling Restrictions:** STADIS  
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**Review Media Identifier:**  
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**Status:** NATIVE  
**Subject:** APHIS MEDITERRANEAN FRUIT FLY PREVENTION PROGRAM  
**TAGS:** AODE, EAGR, ES  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009